S.B.Civil Writ Petition NO.4259/2004

Harcharan Singh
vs
State of Rajasthan & Ors.

DATE OF ORDER : - 15.12.2004

HON'BLE MR. PRAKASH TATIA,J.

Mr. H.S.Sandhu, for the petitioner.
Mr. L.R.Upadhayay, Dy.GA, for the respondents.

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Heard learned counsel for the parties.

According to learned counsel for the petitioner, the petitioner was successful candidate in Pre-Entrance Test for Engineering Architecture & Pharmacy-2004. The petitioner was allowed a college Sri Balaji College of Pharmacy, Jaipur. The petitioner reported to the college on 9th August, 2004, i.e., the last date, which was extended from 2nd August, 2004 for reporting. The petitioner deposited the fees in Sri Balaji College of Pharmacy, Jaipur on 9th August, 2004. The respondents published a notice in newspaper because of the reason that after allotment of the seats, the respondents found that some seats are lying vacant for other colleges in which the students were given admission as per the higher merit and because of non-joining of some of the students in those colleges, the students, who were given admission treating their

merit low in different colleges, can be accommodated. According to learned counsel for the petitioner, the candidates, who had lower marks in merit were given benefit of shifting, but that was denied to the petitioner.

Learned counsel for the respondents submitted that the petitioner's name was forwarded for consideration, but it reached to the concerned authorities late and, therefore, his name was not considered.

In view of the totality of the facts, it is matter relating to the petitioner's grievance as opportunity of petitioner to have a particular college for pursuing his studies has been denied. It is not a case of total deprivation of pursuing the studies of the course for which the petitioner was found successful in the entrance examination. There may be some inconvenience to the petitioner, but in the matter of admission to the colleges, it has been laid down by the Hon'ble Supreme Court that the courts should act slowly. In the facts of this case since months have passed and the course is a technical course, therefore, shifting is left to the discretion of the authorities, who may decide and in case, the petitioner is found eligible for shifting at this stage to the place where the petitioner wants to get the admission and if any vacant seat is there or a seat can be created for the petitioner without disturbing any other candidate of that transferee college, the petitioner

may be accommodated.

In view of the above, the writ petition of the petitioner is disposed of with the direction to the respondents to consider the case of the petitioner for accommodating the petitioner in the college Seth G.L. Bihani S.D. College of Technical Education, Sri Ganganagar without disturbing any other candidate.

(Prakash Tatia), J.

c.p.goyal/-